IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17017 of 2004

Between:

1 Weavers Welfare Trust, D.No. 3-5-80, Padmashali Bhavan,
Rajmohalla, Narayanaguda, Hyderabad.
rep by its Chairman
2 The Secretary Weavers Welfare Trust, D.No. 3-5-80, Padmashali Bhavan,
Rajmohalla, Narayanaguda, Hyderabad.

..... PETITIONERS

AND

1 Labour Court-I, rep by its Presiding Officer,
Chandravihar, Nampally, Hyderabad.
2 A. Rajesham, S/o. Narsaiah,
R/o. Dr.No. 3-5-80, Padmashali Bhavan, Rajmohalla,
Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order, or Direction, more particularly one in nature of Writ of CERTIORARI, call for the records in I.A.No. 414/2003 in I.D.No. 71/2003 on the file of the Labour Court-I, Hyderabad and quash the order dt.31-07-2004 in I.A.No. 414/2003 in I.D.No. 71/2003.

Counsel for the Petitioners: MR.V.SRIDHAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2:...

The Court at the admission stage made the following :

THE HONOURABLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.17017 of 2004

ORDER:

The petitioners are the respondents in I.D.No.71 of 2003. They filed a counter in the said I.D. Subsequently, they filed I.A.No. 414 of 2003, seeking an amendment of certain portions of the counter filed by them. The 1st respondent through the order-dated 31.07.2004, dismissed the application, by making the following observation. "In an amendment mistakes can be rectified or deleted or additions can be made including interpolations but not in the manner the management/petitioner herein sought for". The 1st respondent did not assign any reasons whether the amendments proposed by the present petitioners are likely to change the nature of the defence, and what would be the prejudice that is likely to be caused, if the amendments are ordered to be made. Rule 12(a) of the Andhra Pradesh Industrial Dispute Rules, 1958, provides for making amendment to the pleadings, at any stage of the proceedings.

In the light of the above circumstances, the order of the first respondent cannot sustain. The order passed by the 1st respondent in I.A.No. 414 of 2003, dated 31st July, 2004 is accordingly, set aside. The first respondent is directed to permit the writ petitioners to make the amendments in the counter, as per the request made by them.

Accordingly, the Writ Petition is disposed of. No costs.

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Dr. G.YETHIRAJULU,J

NOTE:

Issue C.C. 2 days

(By Order)

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Copy to:

1. The Presiding Officer, Labour Court-I,

   Chandravihar, Nampally, Hyderabad.

2. 2 C.C. to the Government Pleader for Labour,

   High Court Buildings, High Court of A.P., Hyderabad(OUT),

3. Two C.D.Copies.